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Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

THE CENTER FOR INVESTIGATIVE
 REPORTING, LANCE WILLIAMS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
 INTERIOR,

Defendant.

CASE NO. 20-CV-04427 JCS

JOINT CASE MANAGEMENT STATEMENT

Date: October 9, 2020

Time: 2:00 pm

Place: Zoom Proceeding

Honorable Joseph C. Spero

Pursuant to Civil Local Rule 16-9 and the Standing Order for All Judges of the Northern District of California, Plaintiffs The Center for Investigative Reporting and Lance Williams, and Defendant U.S. Department of Interior, jointly submit this Joint Case Management Statement.

1. **Jurisdiction and Service:** This is an action brought under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended. Defendant does not contest the Court’s subject matter jurisdiction. Defendant has been properly served.

2. **Facts:** At issue are three separate FOIA requests that Plaintiffs submitted to the Department of Interior (“DOI”). Plaintiffs seek disclosure of documents relating to DOI officials’ attendance in meetings in California in 2018, regarding water issues. Plaintiffs submitted the first FOIA request (“Request”) on January 16, 2020, and it was assigned to the DOI Office of the Secretary. On

1 May 6, 2020, Plaintiffs submitted the same Request to two other components of DOI, the DOI Bureau of
2 Reclamation and the DOI Solicitor's Office.

3 Of the three Requests, DOI Office of the Secretary and Bureau of Reclamation have both
4 completed their respective release of responsive documents. The DOI Solicitor's Office has identified,
5 and is processing, a total of 257 responsive pages. It is anticipated that release of those documents will
6 be completed in approximately 30-days.

7 3. **Legal Issues**: It may be necessary to brief legal issues regarding FOIA exemptions in
8 cross-motions for summary judgment after the DOI Solicitor's Office releases its responsive documents
9 to Plaintiffs. The parties will meet and confer once that release has been completed in order to identify
10 any remaining issues.

11 4. **Motions**: There are no prior or pending motions. If this matter is not resolved between
12 the parties, they anticipate filing cross-motions for summary judgment.

13 5. **Amendment of Pleadings**: The parties do not believe that amendment of pleadings will
14 be necessary.

15 6. **Evidence Preservation**: The parties certify that they have reviewed the Guidelines
16 Relating to the Discovery of Electronically Stored Information and confirm that the parties have met and
17 conferred pursuant to Rule 26(f) regarding reasonable and proportionate steps taken to preserve
18 evidence relevant to the issues reasonably evident in this action.

19 7. **Disclosures**: The parties agree and stipulate pursuant to Federal Rule of Civil Procedure
20 26(a)(1)(A) that initial disclosures are not necessary, as this is a FOIA action.

21 8. **Discovery**: The parties have not taken any discovery and do not anticipate based on
22 current information that discovery will be necessary in this case. Defendant notes that discovery is
23 generally not appropriate in FOIA actions. *See Lane v. Dep't of Interior*, 523 F.3d 1128, 1134 (9th Cir.
24 2008) (noting that discovery is limited in FOIA cases "because the underlying case revolves around the
25 propriety of revealing certain documents").

26 9. **Class Actions**: Not applicable.

27 10. **Related Cases**: The parties are not aware of any related cases.
28

11. **Relief**: Plaintiffs seek declaratory and injunctive relief, as well as costs and reasonable attorneys' fees. Defendant seeks a complete defense judgment, dismissal, and costs.

12. **Settlement and ADR**: At this time the parties do not anticipate needing an ADR process. The parties have been meeting and conferring and intend to further meet and confer should a dispute arise about the released materials. The parties thus respectfully request that the Court allow this process to continue before ruling on any ADR process. If it should become necessary, the parties request a settlement conference with a magistrate judge.

13. **Consent to Magistrate Judge for All Purposes**: The parties have consented to the assigned magistrate judge for all purposes.

14. **Other References**: Not applicable.

15. **Narrowing of Issues**: The parties are meeting and conferring in an attempt to narrow the issues in dispute and will continue to do so.

16. **Expedited Trial Procedure**: The parties agree that this case is not suitable to be handled under the Expedited Trial Procedure of General Order 64.

17. **Scheduling**: The parties are meeting and conferring about the releases made to date and about the outstanding release, and therefore respectfully request that the Court permit this process to continue. The parties further request that the Court order a case status update for January 6, 2020.

18. **Trial**: The parties anticipate that this matter will be resolved on cross-motions for summary judgment, if necessary, and that no trial will be necessary in this matter.

19. **Disclosure of Non-party Interested Entities or Persons**: Plaintiff filed its certification on July 2, 2020 ECF No. 2. Defendant is exempt.

20. **Professional Conduct**: Counsel for the parties are familiar with and have reviewed the Guidelines for Professional Conduct for the Northern District of California.

21. **Other matters**: None.

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1 DATED: October 2, 2020

Respectfully submitted,

2 DAVID L. ANDERSON
United States Attorney

3 /s/ Gioconda Molinari
4 GIOCONDA R. MOLINARI
Assistant United States Attorney

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6 DATED: October 2, 2020

D. Victoria Baranetsky
THE CENTER FOR INVESTIGATIVE
REPORTING

8
9 /s/ D. Victoria Baranetsky

10 **CERTIFICATION**

11 Pursuant to Civil L.R. 5-1(i)(3), the undersigned hereby attests that D. Victoria Baranetsky has
12 concurred in the filing of this document.